

REMARKS

Claims 1-37 are pending in the application. New claims 38-74 have been added.

The Examiner rejects claims 1-6, 10, 11, 20, 22, 28-32, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Ong et al. (Framework Architecture for Signaling Transport, June 1999, IETF Internet Draft), hereafter "Ong", in view of Auerbach et al. (Session Manager, February 25, 1999, IETF Internet Draft) hereafter "Auerbach" (Session Manager).

The Examiner rejects claims 7-9 and 37 under 35 U.S.C. § 103(a) as being unpatentable over "Ong", in view of "Auerbach" (Session Manager) as applied to claims 1-6, 10, 11, 20, 22, 28-32, and 35, and further in view of Christie, IV U.S. Patent No. 6,445,695 ("Christie").

The Examiner rejects claims 12-16, 23-27, and 36 under 35 U.S.C. § 103(a) as being unpatentable over "Ong", in view of "Auerbach" (Session Manager) as applied to claims 1-6, 10, 11, 20, 22, 28-32, and 35, and further in view of Auerbach et al., (Signaling Backhaul Protocol, February 25, 1999, IETF Internet Draft), hereafter, "Auerbach" (Signal Backhaul).

The Examiner rejects claims 17, 33, and 34 under 35 U.S.C. § 103(a) as being unpatentable over "Ong", in view of "Auerbach" (Session Manager) as applied to claims 1-6, 10, 11, 20, 22, 28-32, and 35, and further in view of Kalmanek, Jr. et al. U.S. Patent No. 6,483,912 ("Kalmanek").

The Examiner rejects claims 18, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over "Ong", in view of "Auerbach" (Session Manager) as applied to claims 1-6, 10, 11, 20, 22, 28-32, and 35 and further in view of Draft H.323, January 30, 1996, Telecommunication Standardization Sector of ITU (ITU-T).

Applicants amend claims 1, 20, 30 and 32.

Claims 1-74 remain in the case.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects claims 1-6, 10, 11, 20, 22, 28-32, and 35 under 35 U.S.C. § 103(a) as being unpatentable over Ong in view of Auerbach (Session Manager). Applicants respectfully traverse the Examiner's rejections.

Applicants wish to "swear behind" the Ong reference. Although the June 1999 publishing of Ong predates the effective filing date of the present application (present application filed September 30, 1999), Applicants conceived of the invention prior to the

June 1999 publishing date of Ong and then were diligent in reducing the concept to practice up until the time the patent application was filed on September 30, 1999. Attached is a Section 131 Declaration signed by one of the inventors of the present application that attests to prior conception of the present invention as well as an invention disclosure form submitted internally within Cisco before June 1999.

Claim 1 has been amended to specify terminating *a plurality of call signaling connections*, each corresponding to one of a plurality of packet-switched calls ... *where each call signaling connection is packet-switched*. Claims 20, 30, and 32 recite similar limitations. This is clearly shown in the description starting at page 8, line 22, and page 9, line 21 of the specification, among other places.

Regardless of Ong not being prior art, from the Examiner's remarks, it appears that the Examiner and Applicants are in substantial agreement that the claims as amended are novel and unobvious since they clearly exclude the non-packet-switched signaling connections of Ong. Advisory Action, 10/7/2004, page 2. Since it is clear from the language of amended claim 1 that *each call signaling connection is packet-switched*, Ong does not anticipate claim 1, or claims 20, 30 and 32, and their corresponding dependent claims. Applicants therefore respectfully request that this rejection be withdrawn and the pending claims be allowed to issue.

Applicants previously argued that the Examiner appears to argue that the recited signaling connections are not required to be individual packet-switched connections corresponding to individual packet-switched calls. Final Office Action, 3/22/2004, pages 2 and 3. Applicants read the claims to include such a requirement, as the claims recite *a plurality of call signaling connections, each* corresponding to *one* of a plurality of packet-switched calls. Neither Ong nor Auerbach, therefore, anticipate claim 1, or claims 20, 30 and 32, and their corresponding dependent claims.

The Examiner rejects claims 17, 33, and 34 under 35 U.S.C. § 103(a) as being unpatentable over Ong in view of Auerbach (Session Manager) in further view of Kalmanek. Applicants respectfully traverse the Examiner's rejections.

Applicants previously argued regarding claims 17, 33, and 34, that the rejection refers to a capability in Auerbach for a gateway sending PDUs to both an ACTIVE and STANDBY MGC. There is no showing that these PDUs contains the call state information for the calls served by the primary media gateway controller, as claimed in claim 17, and Applicants fail to see how those PDUs alone would convey call state information since the STANDBY MGC

is listening to half of a conversation. Auerbach, therefore, does not anticipate claims 17, 33, and 34, and their corresponding dependent claims.

The Examiner alleges Kalmanek's primary and secondary gate controllers disclose the recited primary media gateway controller and failover media gateway controller, respectively. Applicants agree with the Examiner that Kalmanek discloses passing partial state information between gate controllers associated with different TIUs. Kalmanek, col. 39, lines 8-11; col. 41, lines 31-34. However, primary and secondary gate controllers are associated with the same TUI, and thus they do not exchange the partial state information. Kalmanek, col. 7, lines 45-47. Furthermore, Kalmenak does not teach or suggest *periodically* saving the recited call state information. See, Kalmenak, col. 14, lines 38-56; col. 39, lines 6-16; col. 41, lines 31-39. Neither Ong Auerbach nor Kalmenak, therefore, anticipate claims 17, 33, and 34, and their corresponding dependent claims.


New Claims

New claims 38-74 have been added. Support for these new claims can be found throughout the specification, and in particular on page 9, lines 12-14, page 12, lines 5-8, and page 15, lines 1-5.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-74 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,



Stephen S. Ford
Reg. No. 35,139

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613
Customer No. 20575